

DEPARTMENT OF FINANCE BILL ANALYSIS

AMENDMENT DATE: April 3, 2008
POSITION: Neutral

BILL NUMBER: AB 2943
AUTHOR: S. Lieber

BILL SUMMARY: Corporal Punishment

This bill would allow the finder of fact to consider specified conditions when determining whether or not a defendant willfully caused any child to suffer.

FISCAL SUMMARY

No data is available to indicate the number of individuals who would be convicted of these crimes and serve time in state prison based on the finder of facts consideration of the specified conditions. We note that initially, the cost of additional inmates sentenced under this bill would be approximately \$22,500 General Fund (GF) per inmate, per year. However, over time the cumulative effect of additional sentences being imposed is more accurately reflected by the average institutional cost per inmate of approximately \$46,000 GF per year. Assuming that just 10 people serve one-year in prison, it would cost the state \$225,000 GF in the short term and \$460,000 GF in the long term.

Any local government costs resulting from the mandate in this measure would not be state-reimbursable, because the mandate only involves the definition of a crime or the penalty for conviction of a crime.

COMMENTS

Existing law states that any person who willfully causes or permits a child to suffer, or inflicts on a child unjustifiable physical pain or mental suffering, shall be punished by imprisonment in state prison for two, four, or six years.

This bill would allow the finder of fact to consider the following when determining whether or not a defendant willfully caused any child to suffer:

- Use of an implement, including but not limited to a rod, switch, electrical cord, broom, belt or a shoe,
- The throwing, kicking, burning, or cutting of a child,
- The striking of a child,
- The vigorous shaking of a child under 3 years of age,
- The interference with a child's breathing, or
- The brandishing of a deadly weapon upon a child.

Code/Department Agency or Revenue Type	SO	(Fiscal Impact by Fiscal Year)								Fund Code
	LA	(Dollars in Thousands)								
	CO	PROP								
	RV	98	FC	2007-2008	FC	2008-2009	FC	2009-2010		
5225/Corr & Rehab	SO	No	----- No/Minor Fiscal Impact -----						0001	

Analyst/Principal (0234) J. Osborn	Date	Program Budget Manager Todd Jerue	Date
---------------------------------------	------	--------------------------------------	------

Department Deputy Director	Date
----------------------------	------

Governor's Office:	By:	Date:	Position Approved _____
			Position Disapproved _____

BILL ANALYSIS	Form DF-43 (Rev 03/95 Buff)
----------------------	-----------------------------

